



महाराष्ट्र शासन राजपत्र असाधारण भाग पाच-अ

वर्ष २, अंक २२]

शुक्रवार, डिसेंबर ९, २०१६/अग्रहायण १८, शके १९३८

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असाधारण क्रमांक ४२

प्राधिकृत प्रकाशन

महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयके (इंग्रजी अनुवाद)

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 9th December, 2016 is published under Rule 117 of the Maharashtra Legislative Assembly Rules.

L. A. BILL No. L OF 2016.

A BILL

to provide for, as a good governance measure, efficient, transparent, and targeted delivery of subsidies, benefits and services, the expenditure for which is incurred entirely from the Consolidated Fund of the State, to the individuals residing in the State of Maharashtra using Aadhaar as a sole identifier, and for matters connected therewith.

WHEREAS it is expedient to make a law to provide for, as a good governance measure, efficient, transparent and targeted delivery of subsidies, benefits and services, the expenditure for which is incurred entirely by way of withdrawal from the Consolidated Fund of the State, to the individuals residing in the State of Maharashtra using Aadhaar as a sole identifier, and to provide for matters connected therewith; it is hereby enacted in the Sixty-seventh Year of the Republic of India as follows :-

1. (1) This Act may be called the Maharashtra Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.

(2) It extends to the whole of the State of Maharashtra.

Short title,
extent and
commence-
ment.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint; and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the commencement of that provision.

Definitions.

2. (1) In this Act, unless the context requires otherwise,-

(a) "Aadhaar number" means an identification number issued to an individual under section 3 of the Central Act;

(b) "Agency of the State Government" means any authority or body established or constituted by any Central or State law in the State of Maharashtra including the local bodies, and any other body owned and controlled by the State Government and includes the bodies whose composition and administration are predominantly controlled by the State Government;

(c) "authentication" means the process by which the Aadhaar number alongwith demographic information or biometric information of an individual is submitted to the Central Identities Data Repository for its verification and such Repository verifies the correctness, or the lack thereof, on the basis of information available with it;

(d) "benefit" means any advantage, gift, reward, relief or payment, in cash or kind, provided to an individual or group of individuals and includes such other benefits as may be notified by the State Government, from time to time;

(e) "biometric information" means photograph, finger print, Iris scan, or such other biological attributes of an individual specified by the Central Act;

(f) "Central Act" means the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016;

18 of
2016.

(f) "Central Identities Data Repository" means a centralised database in one or more locations containing all Aadhaar numbers issued to Aadhaar number holders alongwith the corresponding demographic information and biometric information of such individuals and other information related thereto;

(g) "Consolidated Fund of State" means a Consolidated Fund of the State of Maharashtra;

(h) "demographic information" includes information relating to the name, date of birth, address and other relevant information of an individual as per the provisions of Central Act, but shall not include race, religion, caste, tribe, ethnicity, language, records of entitlement, income or medical history;

(i) "enrolment" means the process to collect demographic and biometric information from individuals by the enrolling agencies for the purpose of issuing Aadhaar number to individual as provided under the Central Act;

(j) "Government" or "State Government" means the Government of Maharashtra;

(k) "prescribed" means prescribed by rules made under this Act;

(l) "service" means any provision, facility, utility or any other assistance provided in any form to an individual or a group of individuals and includes such other services as may be notified by the State Government;

(m) "subsidy" means any form of aid, support, grant, subvention or appropriation, in cash or kind, to an individual or a group of individuals and includes such other subsidies as may be notified by the State Government, from time to time.

(2) Words and expressions used in this Act but not defined hereinabove shall have the same meanings as respectively assigned to them under the Central Act.

3. The State Government or, as the case may be, any Agency of the State Government, may, for the purpose of establishing identity of an individual as a condition for receipt of a subsidy, benefit or service for which the expenditure is incurred entirely by way of withdrawal from, or the receipt therefrom forms part of the Consolidated Fund of the State, or any fund set up by any Agency of the State Government, require that such individual undergo authentication, or furnish proof of possession of Aadhaar number or, in the case of an individual to whom no Aadhaar number has been assigned, such individual makes an application for enrolment :

Proof of Aadhaar number necessary for receipt of certain subsidies, benefits and services, etc.

Provided that, till such time an Aadhaar number is not assigned to an individual, the individual shall be offered alternate and viable means of identification for delivery of the subsidy, benefit or service.

4. The State Government shall, within a period of three months from the date of commencement of this Act, and thereafter, from time to time, notify the list of schemes, subsidies, benefit or services for which such authentication or proof is required as per section 3.

Notifying Schemes by State Government.

5. The provisions of Chapter III and Chapter VI of the Central Act shall *mutatis mutandis* apply to authentication under this Act.

Application of Chapters III and VI of Central Act.

6. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

Act to be in addition and not in derogation of any other law.

7. No suit, prosecution or other legal proceeding shall lie against the State Government or any officer, or other employees of the State Government for anything which is in good faith done or intended to be done under this Act or rules made thereunder.

Protection of action taken in good faith.

8. (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the provisions of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-

(a) specifying the manner of use of Aadhaar number for the purposes of providing or availing of various subsidies, benefits, services and other purposes for which Aadhaar number may be used ;

(b) any other matter which is required to be, or may be, specified, or in respect of which provision is to be made by rules.

(3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session or sessions immediately following, both Houses agree in making any modification in any rule or both Houses agree that rule should not be made, and notify their decision to that effect in the *Official Gazette*, the rule shall, from the date of publication of such notification, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

Power to
remove
difficulty. **9. (1)** If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purposes of removing the difficulty:

Provided that, no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

STATEMENT OF OBJECTS AND REASONS

The correct identification of targeted beneficiaries for delivery of various subsidies, benefits, services, grants, wages and other social benefit schemes which are funded by way of withdrawal from the Consolidated Fund of the State of Maharashtra has become a challenge for the Government. The failure to establish identity of an individual beyond doubt has proved to be a major hindrance for successful implementation of these programmes. This has been a concern for the programmes related to the welfare of certain categories of persons such as women, children, senior citizens, persons with disabilities, migrant unskilled and unorganized workers, and nomadic tribes. In the absence of a credible system to authenticate identity of beneficiaries, it is difficult to ensure that the subsidies, benefits and services reach to the intended beneficiaries.

2. The Government of India has enacted the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016) on 16th March 2016 and major provisions of the said Act have been notified. Since, the said Act pertains to the schemes involving expenditure from the Consolidated Fund of India, there is a need to make suitable enabling provision to provide for the schemes funded entirely through involving expenditure by way of withdrawal from the Consolidated Fund of the State as well as the schemes funded through funds set up by other agencies.

3. In view of this, it is expedient to provide for, as a measure of good governance, for efficient, transparent, and targeted delivery of subsidies, benefits and services to individuals residing in Maharashtra by using Aadhaar number as a "Sole identifier".

4. The Bill, *inter alia*, seeks to provide that the State Government may require authentication or proof of possession of Aadhaar number as a "Sole identifier" for delivery of benefits, subsidies, and services, for which the expenditure by way of withdrawal from the Consolidated Fund of the State. A provision has also been incorporated to provide that, till such time Aadhaar number is not assigned to an individual, that individual shall be offered alternate and viable means of identification for delivery of the subsidy, benefit or service.

5. The Bill seeks to achieve the above objective.

Nagpur,

DEVENDRA FADNAVIS,

Dated the 8 December, 2016.

Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely:-

Clause 1(3).- Under this clause, power is taken to the State Government to bring the Act into force on such date as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the commencement of that provision.

Clause 2.- Under this clause, power is taken to the State Government to notify,-

(a) under sub-clause (l) thereof, the other services which may be the services for which authentication or proof would be required;

(b) under sub-clause (m) thereof, the other subsidies which may be the services for which authentication or proof would be required.

Clause 4.- Under this clause, power is taken to the State Government to notify the list of schemes, subsidies, benefits or services for which authentication or proof would be required.

Clause 8.- Under this clause, power is taken to the State Government to make rules, by notification in the *Official Gazette*, to carry out the provisions of the Act.

Clause 9.- Under this clause, power is taken to the State Government to issue, within a period of two years from the date of commencement of this Act, an order published in the *Official Gazette*, for removal of difficulties, if any, that may arise in giving effect to the provisions of the Act.

2. The above-mentioned proposals for delegation of legislative power are of a normal character.

FINANCIAL MEMORANDUM

It is proposed to enact a law to provide for, as a good governance measure, efficient, transparent and targeted delivery of subsidies, benefits and services, the expenditure for which is incurred by way of withdrawal from the Consolidated Fund of the State, to the individuals residing in the State of Maharashtra, by using Aadhaar number as a sole identifier in the State of Maharashtra and for matters connected therewith.

Although, there is no provision for recurring or non-recurring expenditure from the Consolidated Fund of the State on its enactment as an Act of the State Legislature, the Bill provides for the enactment of law to provide for targeted delivery of financial and other subsidies, benefits and services by way of withdrawal of moneys from the Consolidated Fund of the State for the beneficiaries in the State of Maharashtra by using Aadhaar number as a sole identifier and for matters connected therewith.

GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 OF THE
CONSTITUTION OF INDIA

(Copy of Government of Maharashtra Order, Law and Judiciary Department)

In exercise of the power conferred upon him by clause (1) and (3) of Article 207 of the Constitution of India, the Governor of Maharashtra is pleased to recommend to the Maharashtra Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Bill, 2016.

Vidhan Bhavan :
Nagpur,
Dated the 9th December, 2016.

Dr. ANANT KALSE,
Principal Secretary,
Maharashtra Legislative Assembly.